

## **R512. Human Services, Child and Family Services.**

### **R512-300. Out of Home Services.**

#### **R512-300-1. Purpose and Authority.**

A. The purposes of Out of Home Services are:

1. To provide a temporary, safe living arrangement for a child placed in the custody of the Division or Department by court order or through voluntary placement by the child's parent or legal guardian.
2. To provide services to protect the child and facilitate safe return of the child home or to another permanent living arrangement.
3. To provide safe and proper care and address the child's needs while in agency custody.

B. Sections 62A-4a-105 and 62A-4a-106 authorize the Division to provide out-of-home services and 42 USC Section 472 authorizes federal foster care. 42 USC Section 472 (2000), and 45 CFR Parts 1355 and 1356 (2000) are incorporated by reference.

#### **R512-300-2. Definitions.**

The following terms are defined for the purposes of this rule:

- A. Custody by court order means temporary custody or custody authorized by Title 78, Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings or Section 78-3a-118. It does not include protective custody.
- B. Division means the Division of Child and Family Services.
- C. Department means the Department of Human Services.
- D. Least restrictive means most family-like.
- E. Placement means living arrangement.

#### **R512-300-3. Scope of Services.**

A. Qualification for Services. Out of home services are provided to:

1. A child placed in the custody of the Division by court order and the child's parent or guardian, if the court orders reunification;
2. A child placed in the custody of the Department by court order for whom the Division is given primary responsibility for case management or for payment for the child's placement, and the child's parent or guardian if reunification is ordered by the court;
3. A child voluntarily placed into the custody of the Division and the child's parent or guardian.

B. Service Description. Out of home services consist of:

1. Protection, placement, supervision and care of the child;
  2. Services to a parent or guardian of a child receiving out of home services when a reunification goal is ordered by the court or to facilitate return of a child home upon completion of a voluntary placement.
  3. Services to facilitate another permanent living arrangement for a child receiving out of home services if a court determines that reunification with a parent or guardian is not required or in the child's best interests.
- C. Availability. Out of home services are available in all geographic regions of the state.
- D. Duration of Services. Out of home services continue until a child's custody is terminated by a court or when a voluntary placement agreement expires or is terminated.

#### **R512-300-4. Division Responsibility to a Child Receiving Out of Home Services.**

##### **A. Child and Family Team**

1. With the family's assistance, a child and family team shall be established for each child receiving out of home services.

2. At a minimum, the child and family team shall assist with assessment, child and family plan development, and selection of permanency goals; oversee progress towards completion of the plan; provide input into adaptations to the plan; and recommend placement type or level.

##### **B. Assessment**

1. A written assessment is completed for each child placed in custody of the Division through court order or voluntary placement and for the child's family.

2. The written assessment evaluates the child and family's strengths and underlying needs.

3. The type of assessment is determined by the unique needs of the child and family, such as cultural considerations, special medical or mental health needs, and permanency goals.

4. Assessment is ongoing.

##### **C. Child and Family Plan**

1. Based upon an assessment, each child and family receiving out of home services shall have a written child and family plan in accordance with Section 62A-4a-205.

2. The child's parent or guardian and other members of the child and family team shall assist in creating the plan based on the assessment of the child and family's strengths and needs.

3. In addition to requirements specified in Section 62A-4a-205, the child and family plan shall include the following to facilitate permanency:

a. The current strengths of the child and family as well as the underlying needs to be addressed.

b. A description of the type of placement appropriate for the child's safety, special needs and best interests, in the least restrictive setting available and, when the goal is reunification, in reasonable proximity to the parent. If the child with a goal of reunification has not been placed in reasonable proximity to the parent, the plan shall describe reasons why the placement is in the best interests of the child.

c. Goals and objectives for assuring the child receives safe and proper care including the provision of medical, dental, mental health, educational, or other specialized services and resources.

d. If the child is age 16 or older, a written description of the programs and services to help the child prepare for the transition from foster care to independent living in accordance with Rule R512-305.

e. A visitation plan for the child, parents, and siblings, unless prohibited by court order.

f. Steps for monitoring the placement and plan for worker visitation and supports to the out of home caregiver for a child placed in Utah or out of state.

g. If the goal is adoption or placement in another permanent home, steps to finalize the placement, including child-specific recruitment efforts.

4. The child and family plan is modified when indicated by changing needs, circumstances, progress towards achievement of service goals, or the wishes of the child, family, or child and family team members.

5. A copy of the completed child and family plan shall be provided to the parent or

guardian, out of home caregiver, juvenile court, assistant attorney general, guardian ad litem, legal counsel for the parent, and the child, if the child is able to understand the plan.

#### D. Permanency Goals

1. A child in out of home care shall have a primary permanency goal and a concurrent permanency goal identified by the child and family team.

2. Permanency goals include:

- a. Return home
- b. Adoption
- c. Custody and Guardianship
- d. Independent Living
- e. Individualized Permanency

3. For a child whose custody is court ordered, both primary and concurrent permanency goals shall be submitted to the court for approval.

4. The primary permanency goal shall be return home unless the court has ordered that no reunification efforts be offered.

5. A determination that independent living services are appropriate for a child does not preclude adoption as a primary permanency goal. Enrollment in independent living services can occur concurrently with continued efforts to locate and achieve placement of an older child with an adoptive family.

#### E. Placement

1. A child receiving out of home services shall receive safe and proper care in an appropriate placement according to placement selection criteria specified in Rule R512-302.

2. The type of placement, either initial or change in placement, is determined within the context of the child and family team utilizing a need level screening tool designated by the Division.

3. Placement decisions are based upon the child's needs, strengths and best interests.

4. The following factors are considered in determining placement:

- a. Age, special needs, and circumstances of the child;
- b. Least restrictive placement consistent with the child's needs;
- c. Placement of siblings together;
- d. Proximity to the child's home and school;
- e. Sensitivity to cultural heritage and needs of a minority child;
- f. Potential for adoption.

5. A child's placement shall not be denied or delayed on the basis of race, color, or national origin of the out of home caregiver or the child involved.

6. Placement of an Indian child shall be in compliance with the Indian Child Welfare Act, 25 USC Section 1915, which is incorporated by reference.

7. When a young woman in Division custody is mother of a child, and desires and is able to parent the child with the support of the out of home caregiver, the child shall remain in the out of home placement with the mother. The Division shall only petition for custody of the young woman's child if there are concerns of abuse, neglect, or dependency in accordance with Title 78, Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings.

8. The child and family team may recommend an independent living placement for a child age 16 year or older in accordance with Rule R512-305 when in the child's best interests.

#### G. Federal Benefits

1. The Division may apply for eligibility for Title IV-E foster care and Medicaid benefits for a child receiving out of home services. Information provided by the parent or guardian, as specified in Rule R512-301, shall be utilized in determining eligibility.

2. The Division may apply to be protective payee for a child in custody who has a source of unearned income, such as Supplemental Security Income or Social Security income. A trust account shall be maintained by the Division for management of the child's income. The unearned income shall be utilized only towards costs of the child's care and personal needs in accordance with requirements of the regulating agency.

#### H. Visitation with Familial Connections

1. The child has a right to purposeful and frequent visitation with a parent or guardian and siblings, unless the court orders otherwise.

2. Visitation is not a privilege to be earned or denied based on behavior of the child or the parent or guardian.

3. Visitation may be supplemented with telephone calls and written correspondence.

4. The child also has a right to communicate with extended family members, the child's attorney, physician, clergy, and others who are important to the child.

5. Intensive efforts shall be made to engage a parent or guardian in continuing contacts with a child, when not prohibited by court order.

6. If clinically contraindicated for the child's safety or best interests, the Division may petition the court to deny or limit visitation with specific individuals.

7. Visitation and other forms of communication with familial connections shall only be denied when ordered by the court.

8. A parent whose parental rights have been terminated does not have a right to visitation.

#### I. Out of Home Worker Visitation with the Child

1. The out of home worker shall visit with the child to ensure that the child is safe and is appropriately cared for while in an out of home placement. If the child is placed out of the area or out of state, arrangements may be made for another worker to perform some of the visits. The child and family team shall develop a specific plan for the worker's contacts with the child based upon the needs of the child.

#### J. Case Reviews

1. Pursuant to Sections 78-3a-311.5, 73-3a-312, and 78-31-313, periodic reviews of court ordered out of home services shall be held no less frequently than once every six months.

2. The Division shall seek to ensure that each child receiving out of home services has timely and effective case reviews and that the case review process:

a. Expedites permanency for a child receiving out of home services,

b. Assures that the permanency goals, child and family plan, and services are appropriate,

c. Promotes accountability of the parties involved in the child and family planning process, and

d. Monitors the care for a child receiving out of home services.

**KEY: social services, child welfare, domestic violence, child abuse\***

**62A-4a-105**